

AMENDED IN ASSEMBLY MARCH 28, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

**ASSEMBLY BILL**

**No. 25**

**Introduced by Assembly Member Nunez  
(Coauthor: Assembly Member Leno)**

December 2, 2002

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*An act to amend Section 22430 of the Business and Professions Code, to add Article 2.5 (commencing with Section 11024) to Chapter 1 of Part 1 of Division 3 of Title 2 of the Government Code, relating to state agencies, and to amend Section 112 of the Penal Code, relating to government documents.*

LEGISLATIVE COUNSEL'S DIGEST

AB 25, as amended, Nunez. State agencies: identification cards.

**Existing**

(1) *Existing* law authorizes the Department of Motor Vehicles to issue an identification card to any citizen resident in the state or to any other resident of the state who submits satisfactory proof that his or her presence in the United States is authorized under federal law.

This bill would require state agencies to accept as valid identification of a person, a photo identification card issued by another nation to its citizens or nationals, subject to specified exceptions, if ~~(1) the issuing country authorizes the use of the card as an alternative to a passport for reentry into the issuing country, (2) the card has a photograph of the person and the person's date of birth, and (3) the card meets other standards established by the Director of Motor Vehicles~~ *specified requirements are met.*

The bill would also require the head of each state agency to issue appropriate notification and instructions to members of the agency of these requirements and would require the ~~director~~ Department of Justice to investigate complaints by any person that any officer or employee of a state agency has failed to comply with these requirements. The bill would require the ~~director~~ department to make an annual report to the Governor and the Legislature of the number of complaints received and the outcome of the investigations.

(2) *Existing law prohibits a deceptive identification document, as defined, from being manufactured, sold, offered for sale, furnished, offered to be furnished, transported, offered to be transported, or imported, or offered to be imported into this state unless a statement is printed across the face of the document stating that the document is not a government document and the name of the manufacturer is printed on the document. A person who violates this provision and who knows or reasonably should know that the document will be used for fraudulent purposes is guilty of a crime punishable as prescribed.*

*Existing law provides that any person who manufactures or sells any false government document, as defined, with the intent to conceal the true citizenship or resident alien status of another person is guilty of a misdemeanor, punishable as prescribed.*

*This bill would include, within the definitions of deceptive identification document and governmental document, a document issued by another nation. By expanding the scope of existing crimes, the bill would impose a state-mandated local program.*

(3) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that no reimbursement is required by this act for a specified reason.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: ~~no~~ yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. *Section 22430 of the Business and Professions*
- 2 *Code is amended to read:*
- 3 22430. (a) No deceptive identification document shall be
- 4 manufactured, sold, offered for sale, furnished, offered to be



1 furnished, transported, offered to be transported, or imported or  
2 offered to be imported into this state unless there is diagonally  
3 across the face of the document, in not less than 14-point type and  
4 printed conspicuously on the document in permanent ink, the  
5 following statement:

6  
7 NOT A GOVERNMENT DOCUMENT  
8

9 and, also printed conspicuously on the document, the name of the  
10 manufacturer.

11 (b) As used in this section, “deceptive identification  
12 document” means any document not issued by a governmental  
13 agency of this state, another state, ~~or~~ the federal government, *or*  
14 *another nation*, which purports to be, or which might deceive an  
15 ordinary reasonable person into believing that it is, a document  
16 issued by such an agency, including, but not limited to, a driver’s  
17 license, identification card, birth certificate, passport, or social  
18 security card.

19 (c) Any person who violates or proposes to violate this section  
20 may be enjoined by any court of competent jurisdiction. Actions  
21 for injunction under this section may be prosecuted by the  
22 Attorney General or any district attorney in this state in the name  
23 of the people of the State of California upon their own complaint  
24 or upon the complaint of any person.

25 (d) Any person who violates the provisions of subdivision (a)  
26 who knows or reasonably should know that the deceptive  
27 identification document will be used for fraudulent purposes is  
28 guilty of a crime, and upon conviction therefor, shall be punished  
29 by imprisonment in the county jail not to exceed one year, or by  
30 imprisonment in the state prison.

31 SEC. 2. Article 2.5 (commencing with Section 11024) is  
32 added to Chapter 1 of Part 1 of Division 3 of Title 2 of the  
33 Government Code, to read:

34  
35 Article 2.5. Identification  
36

37 11024. When requiring members of the public to provide  
38 identification, each state agency shall accept as valid identification  
39 of a person, a photo identification card issued by a foreign nation

1 to its citizens or nationals, if ~~the card meets~~ all of the following  
2 requirements *are met*:

3 (a) The issuing nation authorizes the use of the card as an  
4 alternative to a passport for reentry into the issuing nation.

5 (b) The card has a photograph of the person and the person's  
6 date of birth *and nationality*.

7 (c) The card meets standards established by the ~~Director of~~  
8 ~~Motor Vehicles to ensure that (1) the applicant was required to~~  
9 ~~provide reliable identifying information in order to obtain the card,~~  
10 ~~and (2) the card has features reasonably designed to protect against~~  
11 ~~fraud and counterfeit reproduction. Department of Justice, as~~  
12 ~~follows:~~

13 (1) *The card has features reasonably designed to protect*  
14 *against fraud and counterfeit reproduction, including, but not*  
15 *limited to, a biometrics feature that permits the information to be*  
16 *quickly and easily read.*

17 (2) *Law enforcement officials can easily verify the information*  
18 *on the identification card.*

19 (d) *In order to obtain a card that meets the requirements of this*  
20 *section, an applicant was required to provide reliable identifying*  
21 *information in order to obtain the card, including background*  
22 *information that can be verified to prove that the documents that*  
23 *were submitted are legitimate.*

24 11024.5. *The department shall approve the vendors and the*  
25 *process for making the identification cards to ensure that the*  
26 *technology meets the standards set by the department.*

27 11025. ~~The Director of Motor Vehicles~~ *Department of Justice*  
28 *shall compile and make readily available to state agencies a list of*  
29 *the identification cards and the issuing nations that the director has*  
30 *determined meet the requirements of this article. Any state agency*  
31 *and any member of the public may request the* ~~director~~ *department*  
32 *to review an identification card for compliance with this article.*

33 11026. This article shall not apply under circumstances where  
34 a federal or state statute, administrative regulation or directive, or  
35 court decision requires the state agency to obtain different  
36 identification, a federal or state statute or administrative regulation  
37 or directive preempts state regulation of identification  
38 requirements, or the state agency would be unable to comply with  
39 a condition imposed by a funding source that would cause the state  
40 to lose funds from that source.

1 11027. (a) Nothing in this article is intended to prohibit state  
2 agencies from doing either of the following:

3 (1) Asking for additional information from individuals in order  
4 to verify a current address or other facts that would enable the  
5 agency to fulfill its responsibilities. However, this paragraph does  
6 not authorize a state agency to require additional information in  
7 order to establish identification of the person.

8 (2) Using fingerprints for identification purposes under  
9 circumstances where the state agency also requires fingerprints  
10 from persons who have a driver's license or state identification  
11 card pursuant to Article 5 (commencing with Section 13000) of  
12 Chapter 1 of Division 6 of the Vehicle Code.

13 (b) No state agency is required to accept an identification card  
14 under this article if it has reasonable grounds for determining that  
15 the identification card provided by an individual is counterfeit,  
16 altered, improperly issued to the cardholder, or otherwise not an  
17 accurate identification.

18 11028. (a) The head of each state agency shall issue  
19 appropriate notification and instructions to members of the agency  
20 of the requirements of this article.

21 (b) If any person believes that any officer or employee of a state  
22 agency has failed to comply with the requirements of this article,  
23 that person may file a complaint with the ~~Director of Motor~~  
24 ~~Vehicles. The director~~ *Department of Justice. The department*  
25 shall investigate the complaint and shall report the findings to the  
26 appropriate head of the state agency.

27 (c) The ~~Director of Motor Vehicles~~ *Department of Justice* shall  
28 make an annual report to the Governor and the Legislature of the  
29 number of complaints received and the outcome of the  
30 investigations.

31 (d) Where there is a conflict between this article and any other  
32 provision of law in effect at the time that this article is enacted, the  
33 provisions of this article shall prevail.

34 (e) In undertaking the adoption and enforcement of this article,  
35 the state is assuming an undertaking only to promote the general  
36 health and welfare of its residents. The state is not assuming, nor  
37 is it imposing on state officers and employees, an obligation for  
38 any breach of any requirements pursuant to this article for which  
39 the state is liable in money damages to any person who claims that  
40 the breach proximately caused injury.

1 11029. The provisions of this article are severable. If any  
2 provision of this article or its application is held invalid, that  
3 invalidity shall not affect other provisions or applications that can  
4 be given effect without the invalid provision or application.

5 *SEC. 3. Section 112 of the Penal Code is amended to read:*

6 112. (a) Any person who manufactures or sells any false  
7 government document with the intent to conceal the true  
8 citizenship or resident alien status of another person is guilty of a  
9 misdemeanor and shall be punished by imprisonment in a county  
10 jail for one year. Every false government document that is  
11 manufactured or sold in violation of this section may be charged  
12 and prosecuted as a separate and distinct violation, and  
13 consecutive sentences may be imposed for each violation.

14 (b) A prosecuting attorney shall have discretion to charge a  
15 defendant with a violation of this section or any other law that  
16 applies.

17 (c) As used in this section, “government document” means  
18 any document issued by the United States government ~~or~~, any state  
19 or local government, *or another nation*, including, but not limited  
20 to, any passport, immigration visa, employment authorization  
21 card, birth certificate, driver’s license, identification card, or  
22 social security card.

23 *SEC. 4. No reimbursement is required by this act pursuant to*  
24 *Section 6 of Article XIII B of the California Constitution because*  
25 *the only costs that may be incurred by a local agency or school*  
26 *district will be incurred because this act creates a new crime or*  
27 *infraction, eliminates a crime or infraction, or changes the penalty*  
28 *for a crime or infraction, within the meaning of Section 17556 of*  
29 *the Government Code, or changes the definition of a crime within*  
30 *the meaning of Section 6 of Article XIII B of the California*  
31 *Constitution.*

